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**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

ALEXANDER MODESTO,	)	Case No.: 1:23-cv-00322-BAM
	)	
Plaintiff,	)	STIPULATION AND <del>PROPOSED</del> ORDER
	)	FOR AN EXTENSION OF TIME
vs.	)	
KILOLO KIJAKAZI,	)	
Acting Commissioner of Social Security,	)	
	)	
Defendant.	)	

Pending the Court's approval, IT IS HEREBY STIPULATED, by and between the parties, through their respective counsel of record, that the time for Defendant to respond to Plaintiff's Motion for Summary Judgment be extended 31 days from July 21, 2023, up to and including August 21, 2023. The parties further stipulate that the Court's Scheduling Order shall be modified accordingly. This is the Defendant's first request for an extension of the Cross-Motion for Summary Judgment deadline.

Good cause for an extension exists. The undersigned counsel for Defendant (undersigned counsel) has 12 briefs due within the next 20 days, five of which are due next week alone, including in this case. For further background, the Commissioner's Office of the General Counsel (OGC) recently restructured itself, and many attorneys have transitioned to different

roles within the agency or left the agency, leaving numerous cases without a dedicated attorney. At the same time, OGC's Office of Program Litigation, Office 7—which handles disability appeals in the Ninth Circuit, including this case—has experienced an increase in its workload. These factors led to the undersigned counsel being assigned this and 11 other cases recently. The undersigned counsel has been working diligently on his cases but requires additional time to adequately brief this case. Defendant apologizes to the Court and to Plaintiff for any inconvenience caused by this request.

For these reasons, Defendant respectfully requests an extension of 31 days, until August 21, 2023, to file the cross-motion for summary judgment. This request is made in good faith and is not intended to delay the proceedings in this matter.

Respectfully submitted,

Dated: July 17, 2023

/s/ Francesco Paulo Benavides\*  
(\*as authorized via e-mail)  
FRANCESCO PAULO BENAVIDES  
Attorney for Plaintiff

Dated: July 17, 2023

PHILLIP A. TALBERT  
United States Attorney  
MATHEW W. PILE  
Associate General Counsel  
Social Security Administration  
By: /s/ Sohayl Vafai  
SOHAYL VAFAI  
Special Assistant U.S. Attorney  
Attorneys for Defendant

### **ORDER**

Pursuant to the parties' stipulation, and cause appearing, IT IS SO ORDERED that Defendant shall have an extension, up to and including August 21, 2023, to respond to Plaintiff's Motion for Summary Judgment.  
IT IS SO ORDERED.

Dated: July 17, 2023

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE